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OUR FILE NO.

CRICP-001A

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**APR 06 2006**

Date: April 6, 2006

To: Commissioner for Patents  
Alexandria, VA 22313-1450

Facsimile: 571-273-8300

Re: U.S. Patent Application No. 10/872,926  
Filed: 09/26/2003  
Inventor(s): Xiang Feng Dai  
Art Unit: 1724  
Examiner: Lawrence, F.

From: Robert D. Buyan

Total No. of Pages: 9 (including this form). Please notify us immediately if you have not received all pages.

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Attached: Transmittal Letter (2 pgs.)  
Reply to Decision (2 pgs.)  
Declaration of Inventorship and Limited Power of Attorney (2 pgs.)  
Declaration of Andrew Solomon (2 pgs.)

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6 HF  
Appl. No. 10/872,926  
Reply dated April 6, 2006  
Attorney Docket No.: CRICP-001A

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Xiang Feng Dai )  
Application No. 10/872,926 )  
Filed: 09/26/2003 )  
For: Moving Bed Adsorber / )  
Desorber and Low Flow (High )  
Yield) Desorber Devices and )  
Their Methods of Use )

Art Unit: 1724

Examiner: Lawrence, F.

**CERTIFICATE OF FACSIMILE  
TRANSMISSION**

I hereby certify that this correspondence is being  
facsimile transmitted to the Commissioner for  
Patents, Alexandria, VA 22313-1450 at (571) 273-  
8300 on April 6, 2006.

By:

  
Nancy V. McElrath

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Transmittal Letter**

Dear Sir:

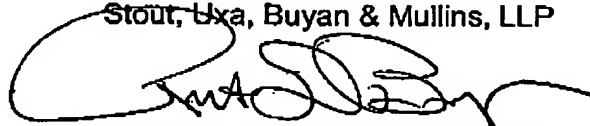
- ☐ In accordance with Rule 136, the Commissioner is hereby petitioned for a \_\_\_\_ month extension of time, extending to \_\_\_\_ the period for response to the Office Action dated \_\_\_\_\_. Please charge Deposit Account No. 50-0878 the amount of \$ \_\_\_\_ for the \_\_\_\_ month extension fee.
- ☐ Enclosed is a certified copy of Serial No. \_\_\_\_\_ from which priority is claimed in the subject case pursuant to 37 CFR § 1.55b and 35 U.S.C. §119.
- ☐ Enclosed is an Assignment of the invention to [Assignee], including a cover sheet and Check No. [Assignment Check No.] for \$40.
- ☒ A Declaration of Inventorship and Limited Power of Attorney is enclosed.
- ☒ A Declaration of Andrew Solomon is enclosed.
- ☒ Enclosed herewith is a **Reply to Decision** for filing in relation to the above-identified application. Entry and consideration of the enclosed document is respectfully requested.

- ☐ Check No. \_\_\_ is enclosed covering the additional filing fees in the amount of \$\_\_\_. This check covers the required extension of time fee of \$\_\_\_. No additional claim fee is seen to be due based on the following calculation:

For	(Col. 1) No. Filed	(Col. 2) No. extra	Small entity Rate	Fee	Or	Other than a Small entity Rate	Fee
Basic fee			\$150	\$ 0	Or	\$300	\$ 0
Examination fee			\$100	\$ 0	Or	\$200	\$ 0
Search Fee			\$250	\$ 0	Or	\$500	\$ 0
Total claims	35	- 35 =	0	x 25	Or	x 50	\$ 0
Indep claims	2	- 3 =	0	x 100	Or	x200	\$ 0
Multiple dependent claims presented			+ 180	\$ 0	Or	+360	\$ 0
			Total	\$ 0	Or	Total	\$ 0

- ☒ The Commissioner is hereby authorized to charge any underpayment or credit any overpayment of the filing fees required under 37 CFR §1.16 and any patent application processing fees required under 37 §CFR 1.17 to Deposit Account No. 50-0878.

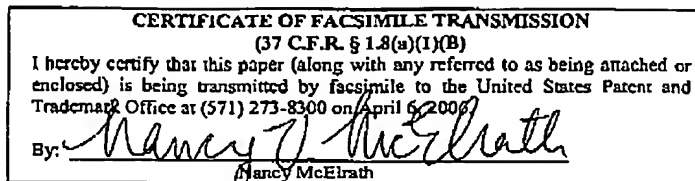
Respectfully submitted,  
Stout, Uxa, Buyan & Mullins, LLP



Robert D. Buyan, Reg. No. 32,460

Date: April 6, 2006

4 Venture, Suite 300  
Irvine, CA 92618  
Telephone: (949) 450-1750  
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Atty. Docket CRICP-001A

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Xiang Feng Dai	)	
(Deseased)	)	Art Unit: 1724
Serial No.: 10/072,926	)	
Filed: September 26, 2003	)	Examiner: Lawrence, F.
For: Moving Bed Adsorber /Desorber and Low	)	
Flow (High Yield) Desorber Devices and Their	)	Petitions Attorney: Congo, C.
Methods of Use	)	

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REPLY TO DECISION**

Applicant hereby replies to the Decision Refusing Status Under 37 C.F.R. 1.47(b) mailed on February 6, 2006.

Applicant's petition under 1.47(b) was initially dismissed. The petitions examiner listed six (6) items that would be required in order for the petition to be grantable. Applicant hereby provides each of the six listed items, as follows:

1. Enclosed herewith is the Declaration of Andrew Solomon attesting to the fact that copies of the patent application papers were presented to Dong Dai, the inventor's surviving spouse and the person believed to be his legal representative, but Ms. Dai refused to sign the declaration of inventorship.

2. Enclosed is a copy of the declaration of inventorship listing the citizenship, last known residence and last known mailing address of the legal representative.
3. The last known address of the legal representative is that shown on the enclosed copy of the declaration of inventorship.
4. In the office action dated February 13, 2006, claims 1, 3-18 and 20-85 were allowed. If this petition is not granted, this application will become abandoned and the allowed claims will not issue as a United States Patent. Thus, if this petition is not granted, the current owner of this patent application will suffer irreparable damage due to loss of patent rights that would otherwise be granted.

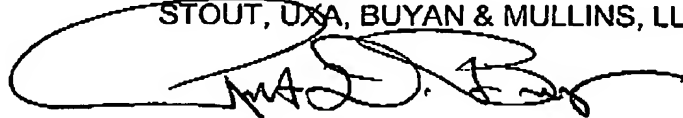
It is believed that all requirements for granting of the petition under 37 C.F.R. §1.47(b) have now been met. Granting of the instant petition is respectfully requested.

If for any reason this petition is not deemed grantable based on this reply it is requested that the Petitions Examiner telephone Applicant's undersigned attorney to discuss any further measures that may be taken in order to place this petition in condition to be granted.

No fee is seen to be due in connection with this filing. If any fee is properly deemed to be due, the Commissioner is authorized to deduct such fee from Deposit Account No. 50-0878.

Respectfully submitted,  
STOUT, UXA, BUYAN & MULLINS, LLP

Date: April 6, 2006



Robert D. Buyan, Reg. No. 32,460

4 Venture, Suite 300  
Irvine, California 92618  
voice: 949/450-1750  
fax: 949/450-1764

Attorney Docket No. CRICP-001A

**DECLARATION OF INVENTORSHIP and  
LIMITED POWER OF ATTORNEY**

As a below named inventor, I believe that I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the invention entitled "Moving Bed Adsorber/Desorber and Low Flow (High Yield) Desorber Devices and Their Methods of Use," which is described and claimed in Application No. 10/672,926 filed September 26, 2003 for which a patent is sought. My residence, post office address and citizenship are as stated below next to my name.

I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to herein.

I acknowledge my duty under Title 37, Code of Federal Regulations § 1.56(a) to disclose information which is material to the patentability of the invention I am claiming.

☐ I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application: 60/424,895, filed November 8, 2002, now [Parent status].

As a named inventor and until I assign my rights to the invention, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith on my behalf: **Frank J. Uxa**, Reg. No. 25,612; **Donald E. Stout**, Reg. No. 34,493; **Robert D. Buyan**, Reg. No. 32,460; **Kenton R. Mullins**, Reg. No. 36,331; **Jo Anne M. Ybaben**, Reg. No. 42,243; **Linda Allyson Fox**, Reg. No. 38,883; **Greg S. Hollrigel**, Ph.D., Registered Patent Agent, Reg. No. 45,374 and **Louise S. Heim**, Registered Patent Agent, Reg. No. 32,337, all of the firm **STOUT, UXA, BUYAN & MULLINS, LLP**. Send correspondence and direct telephone calls to: **Robert D. Buyan**, Stout, Uxa, Buyan & Mullins, LLP, 4 Venture, Suite 300, Irvine, CA 92618; telephone (949) 450-1750, facsimile (949) 450-1764, email: [rbuyan@patlawyers.com](mailto:rbuyan@patlawyers.com).

Attorney Docket No. CRICP-001A

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application and any patent issuing thereon.

XiangFeng Dai (Deceased), of Bakersfield, California, a citizen of U.S.A. Post office address: 7201 Schirra Ct., Suite E, Bakersfield, CA 93313

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
XiangFeng Dai (Deceased)

By: Dong Dai, Surviving Spouse/Legal Representative  
Residence and Mailing Address: 7201 Schira Ct., Suite E  
Bakersfield, California 93313  
Citizenship: China

Case No.: CRICP-001A

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Xiang Feng Dai	)	
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6 H	)	
Serial No.:10/072,926	)	
	)	Examiner: Lawrence, F.
Filed: September 26, 2003	)	
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For:Moving Bed Adsorber /Desorber and Low	)	Petitions Attorney: Congo, C.
Flow (High Yield) Desorber Devices and Their	)	
Methods of Use	)	

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF ANDREW SOLOMON**

I, Andrew Solomon, do hereby declare as follows:

1. I was previously Chief Executive Officer of Chemical Recovery International, Inc., the first owner by assignment of the invention described and claimed in the above-captioned United States Patent Application Serial No. 10/072,926.

2. Following the death of the inventor, Xiang Feng ("David") Dai, I presented copies of the patent application papers to Dong Dai, the inventor's surviving spouse and the person whom I believe to be Mr. Dai's legal representative, but she refused to sign the declaration of inventorship.

I declare that all of the statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true, and further that such statements are made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of



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Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the patent application or and patent issuing therefrom.

4/2/06  
Date

  
Andrew Solomon